

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

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ALAN JOSEPH BAUER, Ph.D., *et al.*,

Case No: 24-cv-10404

Plaintiffs,

-against-

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE (HARVARD CORPORATION), *et al.*

Defendants.

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**ASSENTED-TO MOTION TO EXTEND TIME TO FILE OPPOSITION  
TO MOTION TO DISMISS OR TO FILE AMENDED COMPLAINT.**

Plaintiffs, with the assent of Defendants, respectfully move for an order extending Plaintiffs' time to file their opposition to Defendants' motion to dismiss.

Defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b) on May 13, 2024 (Dkt. 18-19). Plaintiffs filed an assented-to motion on May 28, 2024 for an extension of time to oppose the motion or amend the complaint. (Dkt. 21). That motion was granted by an electronic order setting a deadline of June 25 for Plaintiffs to file an amended complaint and July 15 to oppose Defendants' motion in the event an amended complaint was not filed. (Dkt. 22). In the event, Plaintiffs timely filed an amended complaint on June 21, 2024. (Dkt. 23).

On July 15, 2024 Defendants filed a motion to dismiss the amended complaint. (Dkt. 25). Per Local Rule 7.1(b)(2), Plaintiffs' opposition papers would be due 14 days later, which works out to July 29, 2024.

The parties have agreed, subject to the approval of the Court, to extend Plaintiffs' time to file opposition to the motion. The parties have agreed that opposition papers will be due August 15, 2024.

As grounds for this motion, Plaintiffs state as follows:

1. The complaint in this matter was filed on February 20, 2024. (Dkt. 1).
2. Defendants were served with a copy of the Complaint on April 5, 2024.
3. At Defendants' request Plaintiffs agreed to an extension of time to answer for Defendants, and an assented-to motion to extend Defendants' time to respond to the complaint was filed April 22, 2024 (Dkt. 16), and was granted by the Court (Dkt. 17).
4. On May 13, 2024 Defendants filed a motion to dismiss under Fed. R. Civ. P. 12(b) (Dkt. 18-19).
5. Plaintiffs timely filed an amended complaint on June 21, 2024. (Dkt. 23).
6. On July 15, 2024 Defendants filed a motion to dismiss the amended complaint. (Dkt. 25).
7. Undersigned counsel for Plaintiff has conferred with counsel for Defendants regarding additional time needed to respond to Defendants' motion, and have agreed, subject to the approval of the Court, to extend Plaintiffs' time to respond to Defendants' motion to August 15, 2024.

Accordingly, Plaintiffs respectfully request that the Court issue an order extending Plaintiffs' time to respond to Defendants' motion to August 15, 2024.

Dated: Brooklyn, New York  
July 23, 2024

Yours,

THE BERKMAN LAW OFFICE, LLC  
*Attorneys for Plaintiffs*

by: /S/ Robert J. Tolchin  
Robert J. Tolchin

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**CERTIFICATE OF SERVICE**

I hereby certify that this Motion filed through the ECF system is expected to be sent electronically to the registered participants as identified on the court's docket.

/S/Robert J. Tolchin  
Robert J. Tolchin